#### **A RESOLUTION**

09-R-	
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#### BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF MARGIE WALKER V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2008EV147203, IN THE AMOUNT OF \$325,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & **REVENUE** WASTEWATER FUND), 170201 (DWM WASTEWATER TREATMENT & COLLECTIONS), 5750002 (PROPERTY / LIQUIDATION) 4310000 (SANITARY **ADMINISTRATION) AUTHORIZING** THE **CHIEF FINANCIAL OFFICER** TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Resolution number 09-R1855 authorized the City Attorney to settle the case (see Attachment "A");

WHEREAS, the incorrect account information was contained in the resolve clause;

WHEREAS, *Margie Walker v. City of Atlanta*, is a case in which the Plaintiff sued for alleged damages resulting from stepping through a broken water meter cover;

WHEREAS, Plaintiff alleges that she suffered physical damages and pain and suffering as a result of her fall;

WHEREAS, Plaintiff sought an excess of \$1,000,000 for her injuries resulting from her alleged fall as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$325,000.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$325,000.00 to settle all claims against the City of Atlanta; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. Resolution 09-R1855 is hereby revoked and rescinded.

<u>SECTION 2.</u> The City Attorney is hereby authorized to settle and execute all documents in the case of <u>Margie Walker v. The City of Atlanta</u>, in the amount of Three Hundred Twenty-Five Dollars and no Cents (\$325,000.00).

SECTION 3. The Chief Financial Officer is authorized to make payment from fund 5051 (Water & Wastewater Revenue Fund), 170201 (DWM Wastewater Treatment & Collections), 5750002 (Property/Liquidation), 4310000 (Sanitary Administration). Payment shall be in the form of a check in the amount of \$325,000.00 payable to Margie Walker and Hinton & Powell. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

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CERTIFIED	Date	16/2765 Date	BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
□ Consent □ V Vote ® RC Vote	Committee	PSLA Committee	A RESOLUTION
00		Date Chair Referred To	(Do Not Write Above This Line)
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#### CITY COUNCIL ATLANTA, GEORGIA

## A RESOLUTION

#### <u>09-R-1855</u>

#### BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AS SUBSTITUTED BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF MARGIE WALKER V. CITY OF ATLANTA, SUPERIOR COURT FULTON COUNTY, CIVIL ACTION FILE 2008-CV-147203, IN THE **AMOUNT** \$325,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 170201 (DWM WASTEWATER TREATMENT & COLLECTIONS), 5750002 (PROPERTY LIQUIDATION) 4310000 (SANITARY ADMINISTRATION) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Margie Walker v. City of Atlanta, is a case in which the Plaintiff sued for alleged damages resulting from stepping through a broken water meter cover;

WHEREAS, Plaintiff alleges that she suffered physical damages and pain and suffering as a result of her fall;

WHEREAS, sought in excess of \$1,000,000 for her injuries resulting from her alleged fall as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$325,000.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$325,000.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *Margie Walker v. City of Atlanta* in the amount of Three Hundred and Twenty-Five Thousand Dollars (\$325,000.00).

Said payment is to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-departmental). Payment shall be in the form of a check in the amount of \$325,000.00 payable to Margie Walker and Hinton & Powell. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

Debuty Clerk

ADOPTED by the Atlanta City Council APPROVED by Mayor Shirley Franklin

NOV 02, 2009 NOV 06, 2009

#### Atlanta City Council

#### REGULAR SESSION

CONSENT I

EXCEPT 09-0-1730

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

В	Smith	Y	Archibong	Y	Moore	Y	Mitchell
Y	Hall	Y	Fauver	Y	Martin	Y	Norwood
	Young	Y	Shook	Y	Maddox	Y	Willis
Y	Winslow	Y	Muller	Y	Sheperd	NV	Borders

68 Mitchell Street SW City Hall Tower, Suite 4100 Atlanta, GA 30303-3520 (404) 330-6986 (Writer's Direct Dial)

### City of Atlanta Department of Law

# **Interoffice Memo**

To:

Chiquita Barkley

From:

Juanita Wells, Paralegal (x6402)

CC:

Tamara Baines, Esq

Date:

11/17/2009

Re:

Disbursement Request

Margie Walker v. City of Atlanta Civil Action File No. 08-CV-147203

This memo is to request a disbursement check for the approved Resolution in regard to the above referenced matter.

Attached please find a copy of the Final Counsel Action, adopted on November 2, 2009.

Please let me know if any additional information is needed.

Thank you.

Juanita Wells

Paralegal

Audited By:	Entered By:	Prepared By: Juanita Wells	Pay Entity:	Batch Name	Batch Date	To: Department of Finance Accounts Payable Division, City Hall Tower, Suite 6100
Date	Date	Date 11/17/2009	No. Of invoices/Credit Memos Attached:	Batch Amount		City of Atlanta Disbursement Request Form
Bureau: Administration	Department: LAW	Employees	Direct Pay (Standard) PO- Matched	Invoice Type Select One	Instructions are	t Form
			OTHER	SPECIAL INSTRUCTIONS HOLD FOR LAW	Instructions are provided on the back of this form	11/17/2009

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FOR TREASURY USE ONLY